

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID FLEISHER, MICHAEL CLIME,	:	CIVIL ACTION
GARY IPPOLITO, ROBERT L.	:	
LIVINGSTON, and DAVID TAILLON, on	:	
behalf of themselves and all others similarly	:	
situated	:	
	:	
	:	
v.	:	
	:	
FIBER COMPOSITES, LLC	:	NO. 12-1326

**ORDER**

**AND NOW**, this 2nd day of November, 2012, upon consideration of Defendant Fiber Composites, LLC's ("Fiber") Motion to Dismiss (Docket No. 15), and all documents filed in connection thereto, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Fiber's Motion for Leave to File a Reply Memorandum (Docket No. 20) is **GRANTED**.
2. Fiber's Motion to Dismiss is **DENIED** as to Claims I, III, VIII, and IX; and is **DENIED** as to Claims V, VI, and VII to the extent that the First Amended Complaint alleges a deceptive act based on failure to disclose a latent defect.
2. Fiber's Motion to Dismiss is **GRANTED** as to Claims II and IV, and Claims II and IV are **DISMISSED**.
3. Plaintiffs' request for leave to amend the First Amended Complaint as to Claim II is **GRANTED**, and Plaintiffs shall file their amendment to the Complaint within 14 days of the date of this Order.

BY THE COURT:

/s/ John R. Padova

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John R. Padova, J.